

U.S. Serial No.: 10/664,575
Filed: September 17, 2003
Group Art Unit: 3733
Examiner: James L. Swiger III
Atty. Docket No.: 101896-208 (DEP5150)

Amendments to the Drawings

The attached sheets of drawings include changes to FIGS. 1, 2A-2B, 3, 4, 5A-5B, 6, 7, 8A-8B, and 9A-9C. These sheets, numbered sheets 1-9, replace original sheets 1-9. All of the figures have been amended to include reference numbers.

Attachment: Replacement Sheets 1-9

REMARKS

Claims 1-51 are pending, and subject to restriction.

Amendments to the Claims

Applicants amend claim 28 to correct a typographical error. Claim 29 is amended to correspond to amended claim 28. No new matter is added.

Amendments to the Drawings

Applicants submit the attached replacement drawings for FIGS. 1, 2A-2B, 3, 4, 5A-5B, 6, 7, 8A-8B, and 9A-9C, sheets 1-9, which are copies of previously filed FIGS. 1, 2A-2B, 3, 4, 5A-5B, 6, 7, 8A-8B, and 9A-9C with reference numbers added. No new matter is added.

Response to Restriction Requirement

The Examiner requires restriction of the above-referenced application to one of the following inventions:

Group I: Claims 1-34 and 42-47, drawn to a guide device; and
Group II: Claims 35-41 and 48, drawn to a spinal fixation kit.

At the outset, Applicants note that the Examiner fails to include claims 49-51 in his grouping of the claims. Claims 49-51 are dependent from claim 48, and belong in Group II. Regardless, Applicants elect the Group I claims (claims 1-34 and 42-47). Accordingly, claims 35-41 and 48-51 are withdrawn from consideration.

The Examiner further requires election of one of the following "patentably distinct" species:

Species A: Figures 1-4
Species B: Figures 5a and 5b
Species C: Figure 6
Species D: Figure 7
Species E: Figures 8a and 8b
Species F: Figures 9a, 9b, and 9c.

The Examiner submits that no claims are generic.

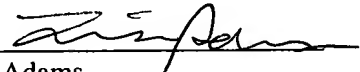
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Applicants elect Species B, Figures 5a and 5b, with traverse. Claims 1, 9, 17, 27, and 28 are generic, as they read on all of the species. Claims 1-3, 6-7, 9-10, 16-19, 25, 27-29, and 32-33 read on the elected species. Accordingly, claims 4-5, 8, 11-15, 20-24, 26, 30-31, 34, and 42-51 are withdrawn from consideration as being drawn to the non-elected species.

The Examiner is encouraged to telephone the undersigned attorney for Applicants if such communication is deemed to expedite prosecution of this application.

Dated: March 1, 2006

Respectfully submitted,

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